

# **EXHIBIT 2**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

----- X  
: NETRATINGS, INC.,  
: Plaintiff, Civil Action No. 05-cv-314-GMS  
: v.  
: COREMETRICS, INC.,  
: Defendant.  
: ----- X

**JOINT SUBMISSION OF CLAIM CONSTRUCTION CHART**

Pursuant to the Court's Scheduling Order of October 12, 2005, Plaintiff NetRatings, Inc. ("NetRatings"), by and through its undersigned counsel, and Defendant Coremetrics, Inc. ("Coremetrics"), by and through its undersigned counsel, submit herewith as Exhibit A a Joint Claim Construction Chart to facilitate Markman proceedings in the action. In accordance with the Scheduling Order, the parties exchanged lists of terms to be construed and engaged in multiple meet and confer sessions for the purpose of attempting to narrow the list of terms.

Dated: April 3, 2006

YOUNG CONAWAY STARGATT  
& TAYLOR, LLP



---

Josy W. Ingersoll (#1088)  
John W. Shaw (#3362)  
Andrew A. Lundgren (#4429)  
The Brandywine Building  
1000 West Street, 17th Floor  
P.O. Box 391  
Wilmington, Delaware 19899  
Telephone: (302) 571-6600  
alundgren@ycst.com

BROWN RAYSMAN MILLSTEIN  
FELDER & STEINER LLP  
Frederick L. Whitmer (FW 8888)  
Seth H. Ostrow (SO 9605)  
Arianna Frankl (AF 7764)  
900 Third Avenue  
New York, New York 10022  
Telephone: (212) 895-2000

Attorneys for Plaintiff NetRatings, Inc.

ASHBY & GEDDES

/s/ John G. Day (#2403)

---

Steven J. Balick (#2114)  
John G. Day (#2403)  
Lauren E. McGuire (#4261)  
222 Delaware Avenue, 17th Floor  
Wilmington, Delaware 19899  
Telephone: (302) 654-1888  
jday@ashby-geddes.com

HELLER EHRMAN LLP  
Robert T. Haslam  
Nitin Subhedar  
275 Middlefield Road  
Menlo Park, California 94025  
Telephone: (650) 324-7000

Attorneys for Defendant Coremetrics, Inc.

# EXHIBIT A

*NetRatings, Inc. v. Coremetrics, Inc.*  
Case No. 05-314 GMS (D. DEL)

EXHIBIT A

JOINT CLAIM CONSTRUCTION CHART

**TABLE 1**

CLAIM TERMS FROM THE ASSERTED PATENTS  
NETRATINGS, INC. AND/OR COREMETRICS, INC. CONTEND REQUIRE CONSTRUCTION<sup>1</sup>

Asserted U.S. Patent(s) Nos. and Claims <sup>2</sup>	Term	NETRATINGS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE	COREMETRICS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE
5,675,510 [1, 2, 6]; 6,115,680 [1, 3, 11, 12]	local computer use meter/user meter	<p>a software program designed to collect information regarding the use of other software programs on a computer on which the software program is installed</p> <p><i>See, e.g., '510 patent, col. 1, ll. 36-42, ll. 65-67; col. 2, ll. 21-22; col. 5, ll. 6-11; '680 Patent, col. 2, ll. 28-29; col. 5, ll. 44-49. See also '510 patent, Response to Office Action, 12/26/96, p. 3.</i></p>	<p>a device within the client computer that monitors and records occurrences that cause operating system software, such as Microsoft Windows, to generate an internal message as a direct result of a call to an operating system function</p> <p><b>Intrinsic Evidence:</b> '510 patent: Col. 1:51-67; Col. 2:1-11; Col. 5:64-67; Col. 6:1-3, Col. 6:14-Col. 8:8; '680 patent: Col. 1:59-Col. 2:5; Col. 2: 6-18; Col. 6:32-Col. 8:24; Col. 11:32-47; (NR-CORE000393-95; December 26, 1996 Response to Office Action, p. 3-5); (NR-CORE000345-348; Office Action, p. 2-5); (NR-CORE000352-79, Hecht et al. (5,032,979)); (NR-CORE000306-18, Baran (5,406,269)); Office Action, dated 6/17/99, p. 2-5 (NR-CORE000894-97; Shear (4,827,508) (NR-CORE001001-001021); Response Under 37 C.F.R. § 1.11, p. 4 (NR-CORE001030); Office Action dated 12/03/99 pages 2-5 (NR-CORE001034-001037).</p>

<sup>1</sup> The patents asserted in this action by NetRatings, Inc. are: U.S. Patent Nos. 5,675,510; 6,115,680; 6,138,155; 6,763,386; 6,108,637.

<sup>2</sup> Claims in which the term to be construed appear are listed in brackets following the patent number. Unless otherwise indicated, the constructions set forth by the parties are intended to apply to every instance of the construed term within each patent for which the term is listed. To the extent a different form of a term appears elsewhere in the claims, the construction provided is intended to apply, appropriately modified to account for the difference in form.

*NetRatings, Inc. v. Coremetrics, Inc.*  
Case No. 05-314 GMS (D. DEL.)

EXHIBIT A

JOINT CLAIM CONSTRUCTION CHART

Asserted U.S. Patent(s) Nos. and Claims <sup>1</sup>	Term	NETRATINGS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE	COREMETRICS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE
5,675,510 [1]; 6,115,680[1, 4, 10-12, 15, 21, 22]	log of predetermined [machine operation] events	<p>a record of data regarding the occurrence of pre-selected potential events [related to machine operations]</p> <p><i>See, e.g.,</i> '510 patent, col. 2, ll. 1-7; ll. 21-50; col. 3, ll. 40-65; col. 4, ll. 56-64; Fig. 1; '680 patent, col. 2, ll. 9-15; ll. 28-56; col. 4, ll. 6-31; col. 5, ll. 24-32; Fig. 1. <i>See also</i> '510 patent, Response to Office Action, 12/26/96, p. 3.</p>	<p>Log of predetermined machine operation events means:</p> <p>a file stored on the hard drive of the computer that contains time sequential entries for two or more "predetermined machine operation events," each entry including two or more attributes of the associated event. A "predetermined machine operation event" is an occurrence—selected in advance by the person or entity seeking to monitor particular computer use—that causes operating system software, such as Microsoft Windows, to generate an internal message as a direct result of a call to an operating system function.</p> <p>Log of predetermined events means:</p> <p>a file stored on the hard drive of the computer that contains time sequential entries for two or more "predetermined events," each entry including two or more attributes of the associated event. "Predetermined events" means occurrences that cause operating system software, such as Microsoft Windows, to generate an internal message as a direct result of a call to an operating system function, and occurrences that cause interception of character strings sent to a communication port or entered into an edit box, where the occurrences of interest are selected in advance by the person or entity seeking to monitor particular computer use.</p>

*NetRatings, Inc. v. Coremetrics, Inc.*  
Case No. 05-314 GMS (D. DEL)

EXHIBIT A

JOINT CLAIM CONSTRUCTION CHART

Asserted U.S. Patent(s) Nos. and Claims	Term	NETRATINGS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE	COREMETRICS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE
			<p><b>Intrinsic Evidence:</b> '510 patent: Col. 2:1-11, 28-33; Col. 3:53-65; Col. 7:16-18, 32; Col. 8:10-15; Col. 9:22-35, 38-45; abstract; Col. 1:51-67; Col. 5:64-67; Col. 6:1-3, Col. 6:14-Col. 8:8; Col. 8:10-30; Col. 9:22-35, 393-305; (NR-CORE000393-95; December 26, 1996 Response to Office Action, p. 3-5).</p> <p><b>Intrinsic Evidence:</b> '680 patent: abstract; Col. 1:59-Col. 2:5; Col. 2:6-19, 35-61; Col. 3:13-16; Col. 4:14-65; Col. 6:32-Col.11:22; Col. 11:32-47, 49-56; Office Action, dated 6/17/99, p. 2-5 (NR-CORE000894-97; Shear (4,827,508) (NR-CORE001001-001021); Response Under 37 C.F.R. § 1.11, p. 4 (NR-CORE001030); Office Action dated 12/03/99 pages 2-5 (NR-CORE001034-001037); January 14, 2000 Response to Office Action, p. 7-13 (NR-CORE001061-1067).</p>
5,675,510 [9, 11]	dictionary	<p>a database or file containing entries used to interpret or correlate data</p> <p><i>See, e.g.,</i> '510 patent, col. 5, ll. 27-40; Fig. 1. <i>See also</i> '510 patent, Response to Office Action, 12/26/96, p. 4.</p>	<p>a file containing entries used to correlate raw data to useful information</p> <p><b>Intrinsic Evidence:</b> '510 patent: Col. 5:27-33, 37-46; NR000394; December 26, 1996 Response to Office action, p. 4.</p>
5,675,510 [1] 6,115,680 [1, 12]	installed	<p>placed on and ready for use by a computer</p> <p><i>See, e.g.,</i> '510 patent, col. 2, ll. 21-23; col. 4, ll. 60-64; '680 patent, col. 2, ll. 28-30; col. 5, ll. 28-31.</p>	<p>resident on the hard drive of, and ready for execution by, the computer.</p> <p><b>Intrinsic Evidence:</b> '510 patent: Col. 2:21-23; Col. 2:50-55; Col. 3:6-16, 39-47; Col. 4:59-64; Col. 5:11-15, 64-67; Col. 9:37-39; '680 patent: Col. 2:28-30; Col. 3:17-22, 39-49; Col. 4:6-15; Col. 5:27-31, 48-52; Col. 6:32-</p>

*NetRatings, Inc. v. Coremetrics, Inc.*  
Case No. 05-314 GMS (D. DEL)

EXHIBIT A

JOINT CLAIM CONSTRUCTION CHART

Asserted U.S. Patent(s) Nos. and Claims	Term	NETRATINGS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE	COREMETRICS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE
			35; (NR000393-95; December 26, 1996 Response to Office Action, p. 3-5); (NR-CORE000345-48; Office Action, p. 2-5); (NR-CORE000352-79, Hecht et al. (5,032,979)); (NR-CORE000306-18, Baran (5,406,260)); Office Action, dated 6/17/99, p. 2-5 (NR-CORE000894-97); Shear (4,827,508) NR-CORE001001-001021); Response Under 37 C.F.R. § 1.11, p. 4 (NR-CORE001030); Office Action dated 12/03/99 pages 2-5 (NR-CORE001034-001037); January 14, 2000 Response to Office Action, p. 7-13 (NR-CORE001061-1067).
5,675,510 [1, 11] 6,115,680 [1, 3, 12, 14, 15] 6,138,155 [10, 48, 51] 6,763,386 [1, 4, 5, 11, 13, 16, 17, 23] 6,108,637 [38-41]	stored/ stores / storing	<b>placed/places/placing in memory or on a mass storage device</b>  <i>See, e.g.,</i> '510 patent, col. 2, ll. 57-61; '680 patent, col. 3, ll. 23-27; '637 patent, col. 8, ll. 55-60; col. 13, ll. 37-40; col. 18, ll. 15-27; '386 patent, col. 5, ll. 6-7; col. 6, ll. 57-60; col. 8, 23-24; '155 patent, col. 5, ll. 1-3; col. 6, ll. 53-54; col. 8, ll. 18-19.	<b>copied/copies/copying to the hard drive of the computer</b>  <b>Intrinsic Evidence:</b> '510 patent: Col. 3:9-21; Col. 4:56-57; Col. 5:33-39; '680 patent, Col. 3:23-27, 42-49, 51-55; Col. 5:15-19, 24-25; Col. 6:3-9, 20-31; (NR-CORE000393-95; December 26, 1996 Response to Office Action, p. 3-5); (NR-CORE000345-48; Office Action, p. 2-5); (NR-CORE000352-79, Hecht et al. (5,032,979)); (NR-CORE000306-18, Baran (5,406,269)).
5,675,510 [1]	identify titles of open windows	<b>contains characters identifying open windows</b>  <i>See, e.g.,</i> '510 patent, col. 4, ll. 11-63. <i>See also</i> '510 patent, Response to Office Action, 12/26/96, pp. 3-4.	<b>sets forth the full text that appears in the title bars of open windows</b>  <b>Intrinsic Evidence:</b> '510 patent: Col. 2:1-7, 21-33; Col. 4:12-24; Col. 9:38-44; (NR-CORE000393-95; December 26, 1996 Response to Office Action, p. 3-5).



*NetRatings, Inc. v. Coremetrics, Inc.*  
Case No. 05-314 GMS (D. DEL)

EXHIBIT A

JOINT CLAIM CONSTRUCTION CHART

Asserted U.S. Patent(s) Nos. and Claims	Term	NETRATINGS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE	COREMETRICS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE
5,675,510 [1]	reflects a log of titles of world wide web pages	reflects a record of characters useful in identifying world wide web pages  <i>See, e.g.,</i> '510 patent, col. 4, ll. 11-63; col. 9, ll. 40-43. <i>See also</i> '510 patent, Response to Office Action, 12/26/96, pp. 3-4.	includes two or more entries, each entry setting forth the full text that appears in the title bar of the browser window in which a world wide web page is displayed  <b>Intrinsic Evidence:</b> '510 patent: Col 2:1-7, 21-33; Col. 4:12-24; Col. 9:38-44; (NR-CORE000393-95; December 26, 1996 Response to Office Action, pp. 3-5).
5,675,510 [1, 11] 6,115,680 [1, 12] 6,138,155 [1, 8, 21, 22, 33, 38, 48, 51]	generate/ generates/ generating	create/creates/creating  <i>See, e.g.,</i> '510 patent, col. 4, ll. 52-64; '680 patent, col. 5, ll. 20-32; '155 patent, col. 1, ll. 11-17, 35-46; col. 4, 23-37.	creating and holding in temporary memory (RAM)  <b>Intrinsic Evidence:</b> '510 patent: Col. 5:14-15; Col. 8:2-8; '680 patent: Col. 5:52-53; Col. 8:16-24; (NR-CORE000393-95; December 26, 1996 Response to Office Action, p. 3-5); (NR-CORE000345-48; Office Action, p. 2-5); (NR-CORE000352-79, Hecht et al. (5,032,979)); (NR-CORE000306-18, Baran (5,406,269)).
6,115,680 [1, 12]	identifies character strings reflecting on-line activity	identifies a group of characters that reflect activity performed on-line  <i>See, e.g.,</i> '680 patent, col. 2, ll. 41-56.	sets forth the character sequences that were intercepted by the use meter while being sent to a communication port or entered into an edit box  <b>Intrinsic Evidence:</b> '680 patent: Col 2:41-61; Col. 3:13-16; Col. 11:49-56; Office Action, dated 6/17/99, p. 2-5; (NR-CORE000894-97; Shear (4,827,508) (NR-CORE001001-001021); Response Under 37 C.F.R. § 1.11, p. 4 (NR-CORE001030); Office Action dated 12/03/99, p. 2-5 (NR-CORE001034-001037); January 14, 2000 Response to Office Action, p. 7-13 (NR-CORE001061-1067).

*NetRatings, Inc. v. Coremetrics, Inc.*  
Case No. 05-314 GMS (D. DEL)

## EXHIBIT A

## JOINT CLAIM CONSTRUCTION CHART

Asserted U.S. Patent(s) Nos. and Claims	Term	NETRATINGS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE	COREMETRICS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE
6,115,680 [3, 12, 14, 22]	logs/ logging (verb)	<b>records/recording</b>  <i>See, e.g., '680 patent, col. 2, ll. 28-56; col. 4, ll. 6-31; col. 5, ll. 24-32; Fig 1.</i>	<b>enters/entering into a "log."</b>  <b>Intrinsic Evidence:</b> (NR-CORE000393-95; December 26, 1996 Response to Office Action, p. 3-5); Office Action, dated 6/17/99, p. 2-5 (NR-CORE000894-97); Shear (4,827,508) (NR-CORE001001-001021); Response Under 37 C.F.R. § 1.11, p. 4 (NR-CORE001030); Office Action dated 12/03/99 pages 2-5 (NR-CORE001034-001037); January 14, 2000 Response to Office Action, p. 7-13 (NR-CORE001061-1067).
6,115,680 [11, 22]	encrypt encrypted encrypting	<b>encode data to prevent unauthorized access</b>  <i>See, e.g., '680 Patent, col. 3, ll. 17-28.</i>	<b>transforms to hide original information such that only an authorized entity may, typically through the use of a secret value called a key, reverse transform and access that information</b>  <b>Intrinsic Evidence:</b> '680 patent: Col. 3:17-27.
6,138,155 [1-4, 6-10, 18, 19, 21, 26, 30, 33-36, 38, 41, 45, 48-53]; 6,763,386 [1, 2, 4, 5, 8, 10-14, 16, 17, 20, 22, 23, 24]	resource	<b>computer data or program, such in the form of a Web page or part of a Web page, images, an ad banner, or an interactive game</b>  <i>See, e.g., '386 patent, col. 5, ll. 15-21; col. 7, ll. 6-12; col. 8, ll. 16-22; col. 13, ll. 54-61; '155 patent, col. 5, ll. 11-17; col. 7, ll. 10-16; col. 8, ll. 12-18; col. 13, ll. 58-65.</i>	<b>a file, such as a web page or ad banner, that is located on a server and that is distinct from a tracking program or an executable program</b>  <b>Intrinsic Evidence:</b> '386 patent: Col. 1:1, 18; Col. 4:12-17; 44-45; Col. 5:16-21; Col. 8:16-19.
6,138,155 [1-4, 6-8, 25, 26,	executable program	<b>computer program that can be run on a computer</b>	<b>a pre-existing sequence of computational instructions written in a programming language, intended and</b>

*NetRatings, Inc. v. Coremetrics, Inc.*  
Case No. 05-314 GMS (D. DEL)

EXHIBIT A

JOINT CLAIM CONSTRUCTION CHART

Asserted U.S. Patent(s) Nos. and Claims	Term	NETRATINGS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE	COREMETRICS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE
29, 33-36, 38, 41, 44, 48, 51]		<i>See, e.g.</i> , '155 patent, col. 5, ll. 27-48; col. 8, ll. 13-59; col. 10, ll. 58-65.	ready to be run in the client machine  Intrinsic Evidence: '155 patent: abstract; Col. 5:49-50; Col. 17:42-46.
6,138,155 [1, 33, 48, 51]	executable program not being part of the resource	executable program not contained within the resource  <i>See, e.g.</i> , '155 patent, col. 8, ll. 13-59; col. 9, ll. 9-16; col. 10, ll. 27-67; col. 11, ll. 2-19. <i>See also</i> '952 patent, Attorney's Statement in Support of Petition to Make Special Under 37 CFR §1.102(d), p. 11.	all of the pre-existing computational instructions of the "executable program" are found entirely outside the "resource"  Intrinsic Evidence: '155 patent: abstract; Col. 4:44-47; Col. 8:16-18.
6,138,155 [25]	Java programming language	one of the Java family of languages originally developed by Sun Microsystems used to create computer programs, and other companies' versions thereof  <i>See, e.g.</i> , '155 patent, col. 9, l. 53 – col. 10, l. 64.	a programming language created by Sun Microsystems, which includes the following versions: Java 1.0 (1996); Java 1.1 (1997); Java 1.2 (1998; a.k.a. "Java 2"); Java 1.3 (2000; a.k.a. "Java 2 version 1.3"); Java 1.4 (2001; a.k.a. "Java 2, version 1.4"); Java 1.5 (2004; a.k.a. "Java 2, version 1.5.0" and "Java 5.0"); and subsequent versions of the foregoing  Intrinsic Evidence: '155 patent: Col. 9:53-56; Col. 10:15-22, 36-40, 52-56.
6,138,155 [1, 10, 33, 48]	client identifying indicia	any information that can be used to associate data with a client  <i>See, e.g.</i> , '155 patent, col. 4, ll. 28-37; col. 6, l. 48 - col. 7, l. 5; col. 10, l. 65 - col. 11, l. 40.	any information that can be used to ascribe two or more events to the same client  Intrinsic Evidence: '155 patent: Col. 5:44-47; Col. 10:65-Col. 11:11; Col. 11:16-22; (NR-CORE0001265; "Attorney's Statement In Support of Petition to Make Special Under 37 CFR § 1.102(d), p. 7).

*NetRatings, Inc. v. Coremetrics, Inc.*  
Case No. 05-314 GMS (D. DEL)

## EXHIBIT A

## JOINT CLAIM CONSTRUCTION CHART

Asserted U.S. Patent(s) Nos. and Claims	Term	NETRATINGS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE	COREMETRICS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE
6,138,155 [2, 4, 6, 7, 8, 34]	user action(s)	<b>performance of an action by a user</b>  <i>See, e.g., '155 patent, col. 4, ll. 28-66; col. 5, ll. 8-17; col. 8, ll. 12-59; col. 13, ll. 44-61; col. 19, ll. 9-46.</i>	<b>the activation of an input device by a user</b>  <b>Intrinsic Evidence:</b> '155 patent: Col. 13:25-50; Col. 14:5-20; Fig. 5; Fig. 6.
6,138,155 [18]	data representative of a plurality of preferences of a user	<b>information from which a user's preferences can be determined</b>  <i>See, e.g., '155 patent, col. 2, ll. 1-55; col. 12, l. 58 - col. 13, l. 24; col. 13, l. 62 - col. 14, l. 26; col. 14, l. 52 - col. 15, l. 10.</i>	<b>information describing two or more items that a user favors over other alternatives</b>  <b>Intrinsic Evidence:</b> '155 patent: Col. 2:1-55; Col. 13:4-11.
6,138,155 [19]	data representative of a plurality of interests of a user	<b>information from which a user's interests can be determined</b>  <i>See, e.g., '155 patent, col. 2, ll. 1-55; col. 12, l. 58 - col. 13, l. 24; col. 13, l. 62 - col. 14, l. 26; col. 14, l. 52 - col. 15, l. 10.</i>	<b>information describing two or more items that a user is interested in</b>  <b>Intrinsic Evidence:</b> '155 patent: Col. 1:61-67; Col. 2:1-55; Col. 14:1-48.
6,138,155 [21]	does not require the active participation of a user	<b>does not require a user to specifically enter resource use data</b>  <i>See, e.g., '155 patent, col. 2, ll. 1-55; col. 12, l. 58 - col. 13, l. 24; col. 13, l. 62 - col. 14, l. 26; col. 14, l. 52 - col. 15, l. 10; col. 17, ll. 15-33. See also '952 patent, Attorney's Statement in Support of Petition to Make Special Under 37 CFR §1.102(d), p. 8.</i>	<b>does not require the user to activate an input device after the resource has been downloaded to the first client</b>  <b>Intrinsic Evidence:</b> '155 patent: Col. 2:1-55; (NR-CORE0001265-66; Attorney's Statement In Support of Petition to Make Special Under 37 CFR § 1.102(d), p. 7-8); (NR-CORE0001331-40; "Core Java" by Gary Cornell and Cay S. Horstmann).

*NetRatings, Inc. v. Coremetrics, Inc.*  
Case No. 05-314 GMS (D. DEL)

EXHIBIT A

JOINT CLAIM CONSTRUCTION CHART

Asserted U.S. Patent(s) Nos. and Claims	Term	NETRATINGS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE	COREMETRICS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE
6,763,386 [1, 3, 9, 13, 15, 21]	tracking program	computer readable code that monitors use of a computer  <i>See, e.g.,</i> '155 patent, col. 8, ll. 13-59; col. 10, ll. 58-65.	a pre-existing sequence of computational, executable instructions written in a programming language, intended to be run in the client machine, for observing and recording a plurality of selected occurrences over time  <b>Intrinsic Evidence:</b> '386 patent: Col. 5:53-63; Col. 8:43-49; Col. 9:14-56; Col. 11:29-40; Col. 12:23-43; Col. 13:28-31, 48-53; Col. 14:33-52; Col. 16:44-54; Col. 17:5-37.
6,763,386 [3, 15]	embedded	contained within or incorporated by reference  <i>See, e.g.,</i> '386 patent, col. 3, ll. 42-47; col. 4, ll. 42-55; col. 5, ll. 22-41; col. 8, ll. 49-63. <i>See also</i> '952 patent, Attorney's Statement in Support of Petition to Make Special Under 37 CFR §1.102(d), pp. 8, 10-11.	entirely contained or encapsulated within  <b>Intrinsic Evidence:</b> '386 patent: Col. 9:4-7; Col. 4:47-49; Col. 8:16-19, 41-43.
6,763,386 [6, 18]	monitoring input device events	monitoring operations performed using an input device  <i>See, e.g.,</i> '386 patent, col. 4, ll. 55-61; col. 8, ll. 27-30 and 43-49; col. 9, ll. 8-13.	monitoring operations performed on an input device as they are performed  <b>Intrinsic Evidence:</b> '386 patent: abstract; Col. 4:55-58; Col. 8:23-30, 43-49.
6,763,386 [1, 4, 5, 11-13, 16, 17, 23, 24]	resource use data	information describing or derived from use of a resource  <i>See, e.g.,</i> '386 patent, col. 1, ll. 15-22; col. 4, l. 47- col. 5, l. 11; col. 8, ll. 16-31; col. 9, l. 6-26; col. 11, ll. 23-43; col.	information describing or derived from two or more actions taken by a user of a client computer while using a "resource"  <b>Intrinsic Evidence:</b> '386 patent: Col. 1:1, 18; Col.

*NetRatings, Inc. v. Coremetrics, Inc.*  
Case No. 05-314 GMS (D. DEL)

EXHIBIT A

JOINT CLAIM CONSTRUCTION CHART

Asserted U.S. Patent(s) Nos. and Claims <sup>2</sup>	Term	NETRATINGS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE	COREMETRICS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE
		12, l. 61 - col. 13, l. 26; col. 14, l. 31 - col. 14, l. 14.	4:12-17; 44-45; Col. 5:16-21; Col. 8:16-19; Col. 9:14-56; Col. 11:29-40; Col. 12:23-43; Col. 13:28-31, 48-53; Col. 14:33-52
6,763,386 [1, 13]	monitor interaction through the client computer with at least one of the first resource and one or more second resources	<b>monitor interaction through the user computer with a first or second resource</b>  <i>See, e.g.,</i> '386 patent, col. 2, l. 61 - col. 3, l. 22; col. 8, ll. 16-31; col. 13, l. 56 - col. 14, l. 55, col. 17, ll. 19-37; col. 19, ll. 26-33.	<b>monitor the user's interaction with at least two distinct "resources"</b>  <b>Intrinsic Evidence:</b> '386 patent: Col. 3:4-14, Col. 13:28-Col. 14:25; Col. 14:31-52.
6,763,386 [10, 22]	monitoring details of choices made by a user	<b>monitoring details of two or more choices made by a user</b>  <i>See, e.g.,</i> '386 patent, col. 4, ll. 33-64; col. 8, ll. 16-64. <i>See also</i> '952 patent, Attorney's Statement in Support of Petition to Make Special Under 37 CFR §1.102(d), p. 11.	<b>monitoring two or more aspects of two or more selections made by a user</b>  <b>Intrinsic Evidence:</b> '386 patent: Col. 4:34-42; Col. 4:55-60; Col. 8:26-30, 40-46; Col. 11:29-43; Col. 14:9-27, 39-53.
6,763,386 [10, 22]	choices being associated with at least one of the first resource and the one or more second resources	<b>choices being associated with a first or second resource</b>  <i>See, e.g.,</i> '386 patent, col. 4, ll. 33-64; col. 8, ll. 16-64.	<b>choices being made in connection with each of at least two distinct resources</b>  <b>Intrinsic Evidence:</b> '386 patent: Col. 3:4-14, Col. 13:28-Col. 14:25; Col. 14:31-52.
6,763,386 [13]	computer usable medium	<b>one or more devices on which data may be stored in a form a computer can use or read</b>	<b>a single computer usable/ readable storage device</b>
6,108,637	computer readable	<i>See, e.g.,</i> '386 patent, col. 6, l. 52 - col. 7, l. 9; col. 7, l. 40	



*NetRatings, Inc. v. Coremetrics, Inc.*  
Case No. 05-314 GMS (D. DEL.)

EXHIBIT A

JOINT CLAIM CONSTRUCTION CHART

Asserted U.S. Patent(s) Nos. and Claims	Term	NETRATINGS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE	COREMETRICS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE
[57-60, 62-65]	medium	- col. 8, l. 8; col. 8, ll. 31-40; col. 9, l. 27-56; Figs. 2 and 3; '637 Patent, col. 2, ll. 6-36; col. 10, ll. 22-58; col. 11, ll. 38-56; col. 23, ll. 14-26.	
6,763,386 [13]	program code which, when executed on a computerized device, causes the computerized device to execute, in a computer network comprising one or more servers and one or more clients, a method	<p>program code that, when executed on one or more computerized devices in a network, causes the computerized device(s) to perform the method set forth in the claim</p> <p><i>See, e.g.,</i> '386 patent, col. 6, l. 52 - col. 7, l. 9; col. 7, l. 40 - col. 8, l. 8; col. 8, ll. 31-40; col. 9, ll. 27-56; Figs. 2 and 3.</p>	<p>the program code that, when executed on a computer in a network, causes that computer to perform the method set forth in the claim</p> <p><b>Intrinsic Evidence:</b> '386 patent: Col. 8:41-63; Col. 12:23-60.</p>
6,108,637 [11, 12, 16, 28, 33, 57, 58, 62]	characteristic of a content display	<p><b>characteristic of a content display:</b> <b>a characteristic of any sensory image produced by a device or a characteristic of data used to produce a sensory image on a device</b></p> <p><b>characteristic:</b> <b>a distinguishing attribute, element, trait, quality or property</b></p> <p><i>See, e.g.,</i> '637 patent, col. 7, ll. 4-30; col. 10, ll. 15-21; col. 13, l. 59 - col. 15, l. 63; col. 16, l. 5 - col. 17, l. 6; col. 17, l. 59 - col. 18, l. 10; col. 18, l. 50 - col. 19, l. 24; Figs. 4A, 4B, 4C. <i>See also</i> '637 patent, Office Action, 3/3/99,</p>	<p>Coremetrics contends that the term "characteristic" is indefinite, and that the phrase "characteristic of a content display" is therefore indefinite as well.</p> <p><b>Intrinsic Evidence:</b> (NR-CORE000616; March 3, 1999 Office Action); (NR-CORE000643; June 3, 1999 Response to Office Action); (NR-CORE000673; August 17, 1999 Office Action).</p>

*NetRatings, Inc. v. Coremetrics, Inc.*  
Case No. 05-314 GMS (D. DEL.)

EXHIBIT A

JOINT CLAIM CONSTRUCTION CHART

Asserted U.S. Patent(s) Nos. and Claims	Term	NETRATINGS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE	COREMETRICS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE
		p. 2, ¶ 6; Response to Office Action, 6/3/99, p. 6; Office Action, 8/17/99, p. 3.	
6,108,637 [11, 12, 16, 18, 25, 28, 30, 33, 36, 57-60, 62, 65]	content display	See construction above for "characteristic of a content display."	presentation of content so that it is visible to a user  Intrinsic Evidence: '637 patent: Col. 3:25-36; Col. 4:20-26; Col. 6:44-48; Col. 7:4-30; Col. 10:14-17; (NR-CORE000648; June 3, 1998 Response to Office Action, p. 11); (NR-CORE000592-000605, Curran et al.).
6,108,637 [11, 13, 16, 18, 30, 33, 36, 40, 57, 59, 62, 64, 65]	display of content	production of any sensory image  See, e.g., '637 patent, col. 6, ll. 43-56; col. 10, ll. 15-21; col. 10, ll. 26-29.	[Note: Coremetrics contends that "display of content" has the same definition as "content display" (see immediately above).]  Presentation of content so that it is visible to a user  Intrinsic evidence: '637 patent: Col. 3:25-36; Col. 4:20-26; Col. 6:44-48; Col. 7:4-30; Col. 10:14-17; (NR-CORE000648; June 3, 1998 Response to Office Action, p. 11); (NR-CORE000592-000605, Curran et al.).
6,108,637 [59]	begin executing when the beginning of a display of the content is ascertained	begin executing when it is determined that the content is beginning to be displayed  See, e.g., '637 patent, col. 11, ll. 57 - col. 12, l. 39; col. 12, ll. 59-67; col. 13, ll. 31-58; col. 14, ll. 27-40; col. 16, ll. 17-50.	starts running only after it is determined that the content to be monitored is fully visible to the user  Intrinsic Evidence: '637 patent: Col. 13:51-58.
6,108,637 [59]	stop executing when the end of a	stop executing when it is determined that the content is no longer being displayed	stops running only after it is determined that the content to be monitored is no longer fully visible to



*NetRatings, Inc. v. Coremetrics, Inc.*  
Case No. 05-314 GMS (D. DEL)

## EXHIBIT A

## JOINT CLAIM CONSTRUCTION CHART

Asserted U.S. Patent(s) Nos. and Claims	Term	NETRATINGS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE	COREMETRICS' PROPOSED CONSTRUCTION AND INTRINSIC EVIDENCE
	display of the content is ascertained	See, e.g., '637 patent, col. 11, l. 57 - col. 12, l. 39; col. 12, ll. 59-67; col 13, ll. 31-58; col. 14, ll. 27-40; col. 16, ll. 17-50.	the user Intrinsic Evidence: '637 patent: Col. 13:51-58.

*NetRatings, Inc. v. Coremetrics, Inc.*  
Case No. 05-314 GMS (D. DEL)

EXHIBIT A

JOINT CLAIM CONSTRUCTION CHART

TABLE 2

IDENTIFICATION OF 35 U.S.C. 112 (6) ISSUES

With respect to the claim elements contained in this Table 2, both NetRatings and Coremetrics agree that each element which begins "means for" is governed by 35 U.S.C. 112(6). These are numbers 1, 3, 5, 7, 9-11, 13, 15, 17, 19-20, 22-28 on the Table. However, Coremetrics contends that certain other elements from the asserted patents should also be governed by 35 U.S.C. 112(6). NetRatings disagrees with Coremetrics' contention. The elements about which there is disagreement as to the appropriate treatment are numbers 2, 4, 6, 8, 12, 14, 16, 18, 21, 29-33 on the Table.

No.	Asserted U.S. Patent(s) Nos. and Claims	Element/Term	NetRatings' Designation of Function, Structure and Intrinsic Evidence, Where Applicable	Coremetrics' Designation of Function, Structure and Intrinsic Evidence
1.	6,108,637 [11]	means for monitoring the change in time of a characteristic of a content display	<p><b>Function:</b> monitoring the change in time of a characteristic of a content display</p> <p><b>Structure:</b> A set of computer instructions as described in the specification sections cited below, which can be embodied in one or more computer programs, which cause one or more computer systems to perform the recited function, and which can be implemented using any appropriate computer language, and all structural equivalents of such set of computer instructions.</p> <p><b>Specification citations:</b> Col. 7, ll. 66 - Col. 8, l. 5; Col. 8, ll. 29-37; Col. 10, l. 58 - Col. 11, l. 2; Col. 11, ll. 9-14, 38-67; Col. 12, ll. 9-36; Col. 13, ll. 17-21; Col. 13, ll. 35-40; Col. 14, ll. 27-31; Col. 16, ll. 13-38; Col. 17, ll. 11-13, 21-22, 29-34, 39-55; Col. 12, ll. 1-9; Col. 23, ll. 1-9; Col. 25, ll. 38-45; Figs. 3B, 5C, 6D.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> The function of this claim element is "monitoring the change in time of a characteristic of a content display." Coremetrics contends that the term "characteristic" is indefinite, rendering this claim element indefinite as well.</p> <p><b>Corresponding structure:</b> The only "structure" described in the specification of the patent for performing certain types of monitoring is a generic, unspecified Java Applet to deliver both content and Java code that performs the monitoring using pre-existing and unspecified Java methods. The specification fails to describe any other corresponding structure for this element, fails to provide any example of the actual code that would be contained within the generic Java Applet mentioned, and fails to provide further explanation of what other code could be used or what other types of "monitoring information" could be gathered or produced by that code. For these</p>

*NetRatings, Inc. v. Coremetrics, Inc.*  
Case No. 05-314 GMS (D. DEL)

## EXHIBIT A

## JOINT CLAIM CONSTRUCTION CHART

No.	Asserted U.S. Patent(s) Nos. and Claims	Element/Term	NetRatings' Designation of Function, Structure and Intrinsic Evidence, Where Applicable	Coremetrics' Designation of Function, Structure and Intrinsic Evidence
				<p>reasons, Coremetrics believes this claim to be indefinite, nonenabled and invalid for failure to disclose the best mode.</p> <p><b>Intrinsic evidence:</b> '637 patent: Col. 11:57-67; Col. 12:1-8, 15-24; Col. 13:37-40; Col. 13:51-58; Col. 14:31-40; Col. 16:17-27; Col. 17:11-13; Col. 17:29-33; Col. 20:4-12; Col. 25:13-23; (NR-CORE00691; 964); (NR-CORE000710--711; 713; October 22, 1999 Response to Office Action, p. 12-13; 15); (NR-CORE000616; March 3, 1999 Office Action); (NR-CORE000643; June 3, 1999 Response to Office Action); (NR-CORE000673; August 17, 1999 Office Action).</p>
2.	6,108,637 [57]	instructions for monitoring the change in time of a characteristic of a content display	<p><b>This element is not subject to 35 U.S.C. 112(6).</b></p> <p>In addition, unless otherwise defined herein in reference to other claim terms, the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention.</p>	<p>This claim element is governed by 35 U.S.C. § 112(6).</p> <p><b>Function:</b> same as element 1.</p> <p><b>Structure:</b> same as element 1.</p> <p><b>Intrinsic evidence:</b> '637 patent: Col. 11:57-67; Col. 12:1-8, 15-24; Col. 13:37-40; Col. 13:51-58; Col. 14:31-40; Col. 16:17-27; Col. 17:11-13; Col. 17:29-33; Col. 20:4-12; Col. 25:13-23; (NR-CORE000650-653; June 3, 1999 Response to Office Action, p.15-16); (NR-CORE000718; Reasons for Allowance); (NR-CORE000616; March 3, 1999 Office Action); (NR-CORE000643; June 3, 1999 Response to Office Action); (NR-CORE000673; August</p>